

December 29, 2005

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0300491**

PHACHARA SASIAN
Code Enforcement Appeal

Location: 28815 – 34th Avenue South

Appellant: **Phachara Sasian**
28815 – 34th Avenue South
Auburn, Washington 98001
Telephone: (253) 529-8857

King County: Department of Development and Environmental Services,
represented by **Bill Turner** and **Holly Sawin**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7084
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal with extended dates of compliance
Examiner's Decision:	Deny appeal with extended dates of compliance

EXAMINER PROCEEDINGS:

Hearing Opened:	December 20, 2005
Hearing Closed:	December 20, 2005

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The King County Department of Development and Environmental Services (DDES) on October 11, 2005, issued a Notice and Order to Appellant Phachara Sasian that alleges code violations at property located at 28815 34th Avenue South. The Notice and Order cites the Appellant and the property for conversion and enclosure of a carport/shed into habitable space (consisting of a bedroom and a bathroom) without the required permits, inspections and approvals in violation of County code.

The Notice and Order required that by December 12, 2005, the required permits, inspections and approvals be sought by a complete application or that the non-permitted construction be demolished and removal of demolition debris be performed by such date. In the event that the application for permits was made but then denied, demolition of the non-permitted construction would have to occur within 60 days after the date of permit denial.

2. Ms. Sasian filed a timely appeal of the Notice and Order. Her appeal makes the following claims:
 - A. No structural change was performed and the structural footprint change was less than 200 square feet.
 - B. The Appellant, who is a Thai national, did not understand that what she considered to be minor improvements required a permit.
 - C. The Appellant has economic hardship, and requests a waiver of the permit requirement and/or the permit fee.
3. The performed enclosure of the formerly open structural components and conversion of them into habitable space within the structure requires a building permit and necessary inspections and approvals as cited in the Notice and Order. The Notice and Order is therefore correct in its charge of violation of failure to obtain such permits, inspections and approvals, because none were sought.
4. DDES testified that there is no observable fire and life safety hazard associated with the occupancy of the space at issue at the present time. DDES also testified that the Department has a program of establishing payment schedules for permit matters to assist those in difficult financial situations. The Appellant should follow up on that possibility in order to ease the permit and inspection fee obligations.
5. In summary, the preponderance of the evidence in the record supports a finding that the charges of violation in the Notice and Order are correct.

CONCLUSIONS:

1. The charge of violation by failure to obtain the necessary permits, inspections and approvals for conversion of the carport/shed into enclosed habitable space. The appeal shall therefore be denied. The deadlines for compliance shall be extended, however, since the time frames imposed by the Notice and Order have been obviated by the appeal process.

DECISION:

The appeal of the Notice and Order is **DENIED**, except that the deadlines for regulatory compliance are revised and extended as stated in the following order.

ORDER:

1. Apply for and obtain the required permits, inspections and approvals for the conversion and enclosure of the carport/shed into habitable space, with a *complete* application for such permits, etc., to be submitted *by no later than* **March 31, 2006**. Meet all deadlines for requested information associated with the permit application and pick up the permit within the deadlines required by DDES. (Note that a pre-application meeting is required. Refer to the Notice and Order for contact and document information necessary for that meeting.) If the permit application is denied, demolition and/or removal of the non-permitted construction shall be performed and the demolition debris removed from the premises *by no later than* **60 days after the date of denial**.

Alternatively, if the Appellant decides not to pursue the permit application, a demolition permit shall be obtained, the non-permitted construction demolished and the demolition debris removed from the premises *by no later than* **May 1, 2006**. (Even though a demolition permit is valid for one year, the demolition shall be completed by the pertinent demolition deadline above regardless.)

2. No penalties shall be assessed against the Appellant or the property if the above conditions are met. If any of the deadlines stated in the above conditions is not met, DDES may assess penalties against the Appellant and the property retroactive to the date of this order.

ORDERED this 29th day of December, 2005.

Peter T. Donahue, Deputy
King County Hearing Examiner

TRANSMITTED this 29th day of December, 2005, via certified mail to the following:

Phachara Sasian
28815 - 34th Ave. S.
Auburn WA 98001

TRANSMITTED this 29th day of December, 2005, to the following parties and interested persons of record:

Mary Hokenson
201 Union Ave. SE, #231
Renton WA 98059

Phachara Sasian
28815 - 34th Ave. S.
Auburn WA 98001

Jeri Breazeal
DDES/LUSD
MS OAK-DE-0100

DDES, Code Enf. Billing
MS OAK-DE-0100

Elizabeth Deraitus
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Lamar Reed
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MS-OAK-DE-0100

Bill Turner
DDES/LUSD
MS OAK-DE-0100

Toya Williams
BSD/INT
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE DECEMBER 20, 2005, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0300491.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was Holly Sawin, representing the Department; and Mary Hokenson, representing the Appellant.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	DDES staff report to the Hearing Examiner for December 20, 2005
Exhibit No. 2	Copy of the Notice & Order issued October 11, 2005
Exhibit No. 3	Copy of the Notice and Statement of Appeal received October 25, 2005
Exhibit No. 4	Copies of codes cited in the Notice & Order
Exhibit No. 5	Photographs (2 color copies taken 5/28/04 and 1 color copy taken 11/2/05)
Exhibit No. 6	Documents from the King County Assessor's Office (three pages)